

Exhibit 78

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF LOS ANGELES
 3 KIRK VON SALZEN and
 4 JANET VON SALZEN,
 5 Plaintiffs,
 6 vs.
 7 AMERICAN INTERNATIONAL INDUSTRIES INC., (sued
 8 individually and as
 9 successor to PINAUD, INC.,
 10 BARBARA ALICE, INC., ED
 11 PINAUD, INC. d/b/a ED.
 12 PINAUD, and NESTLE-LE MUR
 13 COMPANY); et al.,
 14 Defendants.
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 16
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 18
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 22
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Case No. JCCP 4674/
 BC680576

DEPOSITION OF
 WILLIAM E. LONGO, PhD

June 27, 2018
 11:28 a.m.

11555 Medlock Bridge Road, Suite 100
 Johns Creek, Georgia

Debra R. Luther, RMR, CRR, CCR-B-881
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(Original Exhibits 1 through 7 and 9
 through 12 have been attached to the original
 transcript. Exhibit 8 was not provided to court
 reporter at time of production.)

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1 (Reporter disclosure made pursuant to
 2 Article 10.B. of the Rules and Regulations of
 3 the Board of Court Reporting of the Judicial
 10:46:43 4 Council of Georgia.)
 10:49:21 5 (Defendant's Exhibits 1 and 2 were marked
 11:27:44 6 for identification.)
 11:27:45 7 WILLIAM E. LONGO, PhD,
 8 having been first duly sworn, was examined and
 11:27:46 9 testified as follows:
 11:27:46 10 EXAMINATION
 11:27:46 11 BY MR. NORRIS:
 11:27:46 12 Q. Just as a matter of housekeeping, I have
 11:27:57 13 gone ahead and marked as Defendant's Exhibit 1
 11:28:02 14 defendant Johnson & Johnson's notice of taking
 11:28:05 15 deposition of plaintiffs' expert witnesses and
 11:28:08 16 request to produce, and Exhibit 2 is going to be the
 11:28:13 17 letter served by King & Spalding confirming this
 11:28:16 18 date, time, and location, just for housekeeping.
 11:28:18 19 I'm also going to mark as Defendant's
 11:28:21 20 Exhibit 3 a set of what appear to be typewritten
 11:28:26 21 notes prepared by Dr. Longo.
 11:28:28 22 (Defendant's Exhibit 3 was marked for
 11:28:30 23 identification.)
 11:28:30 24 Q. (By Mr. Norris) Dr. Longo, could you
 11:28:33 25 please state and spell your name for the record.
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 11:28:35 1 A. William Edward Longo, L-o-n-g-o.
 11:28:37 2 Q. Okay. And you've been deposed a few times
 11:28:41 3 before?
 11:28:41 4 A. I have.
 11:28:41 5 Q. Sufficient -- you feel comfortable
 11:28:44 6 dispensing with the admonitions?
 11:28:46 7 A. I do feel comfortable with that.
 11:28:48 8 Q. Okay. When were you first contacted in
 11:28:55 9 this case?
 11:28:55 10 A. The only thing I can tell you is I got a
 11:29:01 11 June 7, 2018, letter from Simon Greenstone
 11:29:04 12 transmitting the three depositions that I have.
 11:29:11 13 Q. Let's mark as Exhibit 4 the June 7, 2018,
 11:29:16 14 letter sending Dr. Longo the three transcripts of
 11:29:23 15 deposition. Just to confirm, that is the two volumes
 11:29:27 16 of Mr. Von Salzen's deposition and the one volume of
 11:29:31 17 Mrs. Von Salzen's deposition; correct?
 11:29:34 18 A. That would be correct.
 11:29:34 19 (Defendant's Exhibit 4 was marked for
 11:29:35 20 identification.)
 11:29:35 21 Q. (By Mr. Norris) Okay. Aside from those
 11:29:36 22 three documents, have you reviewed any other
 11:29:38 23 materials specific to the Von Salzen matter,
 11:29:41 24 discovery responses, depositions, other case-specific
 11:29:45 25 materials?
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11:29:45 1 A. No, no, and no.
 11:29:49 2 Q. Okay. I am showing you a document which
 11:29:53 3 I've marked as Exhibit 3 which you personally handed
 11:29:57 4 to me. Is this document, which is marked as
 11:30:01 5 Exhibit 3, a true and accurate copy of the notes you
 11:30:06 6 prepared in this case?
 11:30:06 7 A. Yes.
 11:30:07 8 Q. All right. So aside from the first
 11:30:08 9 contact on June 7, 2018, have you had any subsequent
 11:30:13 10 contacts?
 11:30:13 11 A. I'm sure I had contacts before that; I
 11:30:16 12 just don't recall it. And the only other contact I
 11:30:23 13 have had is with Mr. Purdy this morning.
 11:30:26 14 Q. When did that occur?
 11:30:28 15 A. He arrived at the office at about 9:15
 11:30:39 16 this morning.
 11:30:40 17 Q. And how long did you meet at your office
 11:30:44 18 this morning?
 11:30:44 19 A. Until we came over here.
 11:30:47 20 Q. I personally saw Mr. Purdy here around
 11:30:53 21 11:00 o'clock, so safe to say that you met for about
 11:30:56 22 an hour and a half?
 11:30:57 23 A. Correct.
 11:30:57 24 Q. What did you discuss in that hour and a
 11:31:01 25 half?
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 11:31:01 1 A. Probably only spent about 15, 20 minutes
 11:31:05 2 talking about this case. I was still trying to edit
 11:31:11 3 and finish the notes, and then we discussed other
 11:31:14 4 nonrelated issues as we chatted.
 11:31:20 5 Q. How do you prepare these notes?
 11:31:23 6 A. I read the depositions and I highlight
 11:31:26 7 them and then I go through and try to -- things that
 11:31:32 8 I may want to remember during the deposition, you
 11:31:34 9 know, where Mr. Von Salzen lived, where he went to
 11:31:41 10 school, where he worked, and then of course try to do
 11:31:45 11 a brief outline of his exposure to body powders.
 11:31:49 12 Q. Do you personally transcribe or type the
 11:31:51 13 notes?
 11:31:52 14 A. No.
 11:31:52 15 Q. Okay. Who does that?
 11:31:55 16 A. My assistant.
 11:32:04 17 Q. How does that process work? How does she
 11:32:07 18 know what to type?
 11:32:08 19 A. My handwritten notes.
 11:32:14 20 Q. So as you're reading the deposition you
 11:32:16 21 take handwritten notes, provide them to your
 11:32:19 22 assistant, and she types it up?
 11:32:20 23 A. Typically what I do is read all the
 11:32:22 24 depositions and highlight the volumes of some of
 11:32:27 25 these facts, and then I'll go back and review what
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12:55:31 **1** specific on the methodology that you use, the
 12:55:33 **2** step-by-step methodology, have any of those agencies
 12:55:36 **3** approved or considered it?
 12:55:37 **4** **A.** Well, they haven't considered, they
 12:55:42 **5** haven't said you can't do it, and they're silent on
 12:55:45 **6** it. The heavy liquid density separation method for
 12:55:49 **7** removing amphiboles in talc has not been discussed or
 12:55:52 **8** not been written up or not approved or disapproved by
 12:55:56 **9** any of those organizations.
 12:56:01 **10** **MR. CALFO:** I think you better break it
 12:56:04 **11** up.
 12:56:04 **12** **MR. NORRIS:** I know. I think so. And
 12:56:10 **13** again --
 12:56:10 **14** **MR. PURDY:** Sure. When we get to a new
 12:56:14 **15** topic, I'll start to raise that. I mean, these
 12:56:18 **16** just have all been asked so many times not only
 12:56:21 **17** by -- we don't even have the different firm
 12:56:24 **18** argument that Johnson & Johnson has for the same
 12:56:26 **19** firm, although maybe Alston & Bird asks
 12:56:29 **20** questions a little differently. It's just very,
 12:56:31 **21** very, very repetitive. It's unfortunate, but go
 12:56:35 **22** ahead.
 12:56:36 **23** **MR. NORRIS:** All right. I'm going to move
 12:56:38 **24** on from that.
 12:56:40 **25** **Q.** (By Mr. Norris) When Blount decided on
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12:56:43 **1** the 2.81 heavy density liquid, that was as a result
 12:56:50 **2** of multiple tests of liquid densities ranging from
 12:56:55 **3** below 2.1 to above 2.1; correct?
 12:57:20 **4** I'm going to give you another document
 12:57:22 **5** while you're looking for that answer. I'd like to
 12:57:24 **6** mark as Exhibit 10 a publication by Blount titled
 12:57:32 **7** Detection and Quantification of Asbestos and Other
 12:57:35 **8** Trace Minerals, dated 1990, and that will be
 12:57:41 **9** Exhibit 10.
 12:57:54 **10** (Defendant's Exhibit 10 was marked for
 12:57:55 **11** identification.)
 12:57:55 **12** **Q.** (By Mr. Norris) I'm looking at page 560
 12:58:41 **13** of Exhibit 10.
 12:58:50 **14** **A.** She used one type. She just adjusted it.
 12:58:54 **15** We do the same thing.
 12:59:20 **16** **Q.** You understand that she added extra weight
 12:59:25 **17** drop-by-drop to determine the best weight to use for
 12:59:29 **18** this method; correct?
 12:59:30 **19** **A.** That's not really what she's doing. She's
 12:59:32 **20** adding drops of water. She's mixing it to adjust the
 12:59:36 **21** density.
 12:59:37 **22** We do the same thing. We adjusted ours to
 12:59:40 **23** 2.5.
 12:59:40 **24** She's taking one type of heavy liquid
 12:59:43 **25** density and she's basing it on the densities of
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12:59:48 **1** tremolite, anthophyllite, actinolite, and she chose
 12:59:52 **2** 2.81.
 12:59:52 **3** **Q.** Because her tests indicated that the best
 12:59:54 **4** density for a heavy liquid to separate talc from
 12:59:57 **5** amphibole was 2.81; correct?
 12:59:59 **6** **A.** That's what she states.
 13:00:01 **7** **Q.** Okay. How did you go about determining
 13:00:03 **8** 2.85 was the value you were going to use?
 13:00:06 **9** **A.** Because 2.81 -- because 2.85 is much
 13:00:13 **10** lower -- is still low enough than tremolite, and 2.85
 13:00:20 **11** is heavier, so we were trying to make it more
 13:00:23 **12** efficient to remove the talc because you're using a
 13:00:27 **13** heavier liquid than the 2.81. That was our decision.
 13:00:31 **14** **Q.** Did you perform tests at 2.82, 2.83, 2.84
 13:00:36 **15** before selecting 2.85?
 13:00:38 **16** **A.** No.
 13:00:45 **17** **Q.** Blount in her paper mentions counting 20
 13:00:53 **18** fields of view. Just for purposes of my -- I just
 13:00:58 **19** want to make sure I understand and am interpreting
 13:01:00 **20** her correctly or your understanding of it.
 13:01:02 **21** When she says fields of view, is that the
 13:01:06 **22** same thing as the grid openings that you're counting?
 13:01:08 **23** **A.** Yes and no. A grid opening is not a field
 13:01:12 **24** of view, depending on your magnification. She's
 13:01:14 **25** using polarized light microscopy, and she's using one
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13:01:20 **1** magnification. So typically a magnification of --
 13:01:23 **2** whatever the magnification she's using, she's saying
 13:01:26 **3** this is what I can see. And then she's moving it.
 13:01:29 **4** In a TEM grid, your field of view at 200X
 13:01:33 **5** is most of the grid openings, or 50X. At 20,000 to
 13:01:39 **6** 25,000 your field of view is approximately 1/20 of a
 13:01:47 **7** grid opening, and a grid opening is 100 microns by
 13:01:52 **8** 100 microns.
 13:01:53 **9** So it's two completely different things,
 13:01:56 **10** but we call it grid openings, and if you say I have a
 13:02:00 **11** 200 mesh or a 100 mesh grid, then we know the size.
 13:02:05 **12** **Q.** Okay. All right. When you performed your
 13:02:09 **13** calculations on how many fibers per gram were present
 13:02:13 **14** in these samples, how did you go about performing
 13:02:18 **15** that mathematical calculation?
 13:02:21 **16** **A.** Well, we start with 20 milligrams. That's
 13:02:25 **17** put into the heavy liquid density solution. After
 13:02:30 **18** it's spun, we take the -- we harvest the amphiboles
 13:02:37 **19** or the minerals that -- the amphibole minerals
 13:02:41 **20** technically that have a higher density than 2.85. We
 13:02:45 **21** filter it all onto a 20 millimeter square filter.
 13:02:53 **22** From there we take the TEM samples.
 13:02:58 **23** So say, for example, you find one fiber
 13:03:04 **24** and you're starting with 20 milligrams on the filter
 13:03:08 **25** and you look at 100 grid openings, so you take the
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13:03:11 **1** average size of the grid openings, multiply it by 100
 13:03:16 **2** and then divide that into the overall surface area of
 13:03:19 **3** the filter and then calculate one fiber found on that
 13:03:23 **4** 100 grid openings and mathematically going back to
 13:03:27 **5** what it would be for what's in the entire sample in
 13:03:31 **6** the grid and then divide by 20.
 13:03:33 **7** **Q.** My question was not -- is there an
 13:03:37 **8** equation somewhere that I can look at that was used?
 13:03:42 **9** **A.** Any individual who is a TEM -- your expert
 13:03:45 **10** should be able to do it. Any individual who runs
 13:03:49 **11** TEMs or knows TEMs will know how to do this.
 13:03:53 **12** **Q.** Okay.
 13:03:53 **13** **A.** So if you think about it, you start with
 13:03:56 **14** 20 milligrams of material.
 13:03:57 **15** **Q.** Understood.
 13:03:58 **16** **A.** That's your starting weight. We're using
 13:04:01 **17** everything from that 20 milligrams of material, the
 13:04:04 **18** heavy density liquid separates 99.9 percent of the
 13:04:09 **19** talc, but you're putting everything that you
 13:04:11 **20** harvested from the bottom of the heavy liquid density
 13:04:21 **21** on a 20 millimeter diameter filter.
 13:04:24 **22** You calculate the surface area of that,
 13:04:26 **23** and then you calculate how many fibers, if any, you
 13:04:30 **24** found on the 100 grid openings, if you count 100 grid
 13:04:34 **25** openings, then you take the ratio of the two, then
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13:05:51 **1** **Q.** Well, do you agree that Blount's
 13:05:54 **2** calculation addressed an efficiency ratio?
 13:05:58 **3** **A.** She did.
 13:06:00 **4** **Q.** Okay. So another thing that is different
 13:06:03 **5** from Blount's method is you have not used her
 13:06:07 **6** calculation for determining fibers per gram; is that
 13:06:11 **7** correct?
 13:06:11 **8** **A.** We have not used her PLM calculation. I t
 13:06:14 **9** has no bearing on TEM. At some point, if we could do
 13:06:18 **10** the research and go all the way down where we say we
 13:06:21 **11** find 15 million per gram and may in fact be 30
 13:06:28 **12** million per gram, if you start looking at the
 13:06:30 **13** efficiency of it.
 13:06:30 **14** But I just don't think that is applicable
 13:06:34 **15** here because she's doing this an on optical
 13:06:37 **16** microscopy level; we're doing it on a TEM level. I
 13:06:42 **17** just don't believe that's valid, what she's doing,
 13:06:47 **18** how repeatable that is over and over and over and you
 13:06:50 **19** really know what you're starting with on how many
 13:06:52 **20** fibers per milligram you have.
 13:07:00 **21** **Q.** Also, Blount recommended that you use an
 13:07:06 **22** index of refraction of 1.584. Is that purely for PLM
 13:07:12 **23** purposes?
 13:07:13 **24** **A.** Yes.
 13:07:16 **25** **Q.** Okay.
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 13:04:37 **1** you can calculate back to the 20 milligrams, and then
 13:04:40 **2** the 20 milligrams, if you have that much in
 13:04:43 **3** 20 milligrams, then how much is in 1 gram.
 13:04:46 **4** **Q.** Let me make it very simple. Safe to say
 13:04:50 **5** that you did not use the calculation that Blount
 13:04:52 **6** used?
 13:04:53 **7** **A.** That's safe to say because it's unclear
 13:04:56 **8** how Blount did her calculation. We've looked at it,
 13:05:03 **9** and I would need to talk to Blount. It doesn't
 13:05:06 **10** provide the information I believe necessary to do
 13:05:08 **11** that.
 13:05:09 **12** And it's PLM. It's not TEM. You can't
 13:05:12 **13** take how do you calculate how much apple is there if
 13:05:16 **14** you're using an orange type thing. It's totally two
 13:05:19 **15** different calculations.
 13:05:21 **16** **Q.** Well, let me ask you this. In your
 13:05:26 **17** calculation do you have to determine the efficiency
 13:05:29 **18** ratio of your ability to separate the amphiboles from
 13:05:34 **19** the talc?
 13:05:35 **20** **A.** No.
 13:05:35 **21** **Q.** Why not?
 13:05:36 **22** **A.** That has nothing to do with the
 13:05:39 **23** calculation. We're only -- we're calculating what we
 13:05:43 **24** have found, not what potentially is there. That's an
 13:05:47 **25** unknown.
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 13:07:16 **1** **A.** There's no light in the transmission
 13:07:18 **2** electron microscope. It's all electrons.
 13:07:24 **3** **Q.** Okay. What about your method is identical
 13:07:29 **4** to her method?
 13:07:31 **5** **A.** Identical? Since we changed the method,
 13:07:45 **6** there's not much identical to it because we're using
 13:07:50 **7** two different counting methods.
 13:07:51 **8** Her name gets on here as the Blount method
 13:07:55 **9** because at least she's the first person to publish
 13:07:58 **10** using heavy density liquid material and analyzing
 13:08:04 **11** cosmetic talc. I mean, others have done this. Even
 13:08:09 **12** R. J. Lee, when they issued a report -- a TEM report,
 13:08:14 **13** called it the Blount method. They didn't do an
 13:08:18 **14** identical method, and they called it the Blount
 13:08:21 **15** method.
 13:08:22 **16** You know, and Pooley proposed it; he just
 13:08:26 **17** called it a heavy density liquid method. When the
 13:08:31 **18** Colorado School of Mines proposed using this for
 13:08:34 **19** cosmetic talc, they just called it the heavy liquid
 13:08:36 **20** density method. Maybe that would have been better
 13:08:38 **21** and we could eliminate at least 15 minutes of
 13:08:41 **22** cross-examination at trial.
 13:08:48 **23** **Q.** After performing the heavy density
 13:09:15 **24** separation method that you used, what percentage of
 13:09:18 **25** the material remaining after separation is an
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CERTIFICATE

STATE OF GEORGIA:
 COUNTY OF GWINNETT:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 184 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 6th day of July 2018.

DEBRA R. LUTHER, B-881
 Georgia Certified Court Reporter

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I do hereby certify that I have read all questions propounded to me and all answers given by me on the 27th day of June 2018, taken before Debra R. Luther, and that:

- 1) There are no changes noted.
- 2) The following changes are noted:

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition...with a statement of the reasons given...for making them. Accordingly, to assist you in effecting corrections, please use the form below:

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If supplemental or additional pages are necessary, please furnish same in typewriting annexed to this deposition.

WILLIAM E. LONGO, PhD

Sworn to and subscribed before me,

This, the _____ day of _____ 20____.

Notary Public
 My commission expires: _____

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